

The subject invention is a new respirator that includes a face piece 14 and a filter cartridge 12. The filter cartridge 12 has a housing 13 that contains a filter element 16. The face piece 14 receives the filter cartridge, which is manually snapped into position. The filter cartridge 12 and its included filter element 16 are snapped into position on the face piece 14. Thus, the filter element 16 and a housing portion of filter cartridge 12 in which it is mounted move unitarily into operative position on the face piece 14 and are similarly unitarily removable from operative position on the face piece 14. The foregoing structure and functions are found in the invention but are not found in the Tayebi reference.

Claims 1-10, 13, 15, 16 and 18-28 have been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, as being obvious under 35 U.S.C. 103(a) over the Tayebi U.S. Patent No. 4,856,508. This rejection is respectfully, but forcefully, traversed in that a critical and essential aspect of the rejection is the erroneous contention that retainer 19, 20 comprises a "filter cartridge" that is "capable of being manually snapped into engagement with the cartridge receiving structure (22)". This position is unsound in that retainer 19, 20 at the time prior to being snapped into position on member 2 is totally devoid of any filter element and consequently cannot possibly constitute a "filter cartridge that has a housing into which a filter element is contained" as recited in claim 1 and similarly in all of the other claims.

More specifically, filter element 17 of Tayebi is manually positioned on outer shell 11 and when replacement 13 is required, is manually removed after retainer 19, 20 has been removed from outer shell 11 as is discussed in col. 10, line 66 through col. 11, line 2 of Tayebi, which states:

When it is desired to replace filter 17, retainer 19 is grasped near one edge and pulled, removing the retainer from the inside of mask shell 11. The spent filter 17 is then removed and replaced with a new filter 17 and retainer 19 is then reinstalled.

Thus, filter element 17 and retainer 19, 20 do not exist as a separate structure that can be "manually snapped into engagement with the cartridge receiving structure" as recited in claim 1. Additionally, claim 1 further distinguishes over Tayebi in reciting that "the filter cartridge is capable of being readily separated from the cartridge receiving structure by pulling manually thereon." In actuality, the filter element 17 does not ever move with the snap-retainer 19, 20

either prior to insertion of the retainer or during removal of the retainer 19, 20 from outer shell 11. The foregoing fact is made manifestly clear in the previously noted language bridging columns 10 and 11 of Tayebi.

Thus, the filter 17 is already in position on prior to the insertion of retainer 19 into mask shell 11 of Tayebi. Further, the filter remains in position on mask shell 11 when the retainer 19 is removed from the mask shell 11. Following removal of retainer 19, the spent filter 17 is removed and replaced with a new filter. Retainer 19 is not reinstalled until after the new filter 17 has been positioned in shell 11. The Tayebi structure and operation clearly establishes that elements 19, 20 do not constitute a filter cartridge that includes a filter element as recited in claim 1 and its dependent claims. For these reasons, applicants respectfully submit that the rejection of independent claim 1 and its dependent claims 2 through 13 and 15 through 20 is improper and should be withdrawn.

Similarly, the comments made above relating to claim 1 are equally applicable to independent claim 21 which distinguishes over Tayebi in reciting a filter cartridge that includes a housing and a filter element, the filter element being contained within the housing and a snap-fitting engagement mechanism that enables the filter cartridge (which includes the filter element) to be instantaneously and audibly secured to the face piece. Here again, claim 21, like claim 1, recites a filter cartridge that includes a filter element that is supported by a portion of the housing of the filter cartridge for snap-fitting engagement with the face piece. As noted above, Tayebi does not disclose a filter cartridge that includes a filter element and therefore cannot anticipate claim 21 nor can it render claim 21 obvious.

Independent claim 22 similarly recites a filter cartridge comprising a housing and filter element in which the filter element resides in the housing and wherein the housing includes means for allowing the filter cartridge to be manually and audibly snapped in engagement with a cartridge receiving structure. The comments made above regarding claim 1 are equally applicable to claim 22. Since Tayebi does not disclose a filter cartridge including a filter element, it obviously cannot anticipate nor make obvious the invention of claim 22.

Independent claim 23 similarly recites a facepiece and a filter cartridge that includes a housing and a filter element contained within the housing and a snap-fitting engagement mechanism for enabling the filter cartridge to be instantaneously and audibly secured to the

facepiece so as to distinguish over Tayebi in the same manner as claim 1 as discussed above. Since claim 23 clearly recites the foregoing structure and function not found in Tayebi, the rejection of claim 23 also should be withdrawn. The present amendment also adds the further limitation that the filter cartridge can be readily separated from the facepiece so as to further distinguish over the prior art.

Independent claim 24 provides a respirator that comprises a filter cartridge that includes a housing and a filter element along with a snap-fitting engagement mechanism so as to clearly define over the teachings of Tayebi for the reasons set forth above with respect to claim 1. Therefore, the rejection of claim 24 should be withdrawn.

Independent claim 25 distinguishes over Tayebi for the same reasons as claim 1 in reciting a filter cartridge including the housing and a filter element contained in the housing, along with means for manually snapping the filter cartridge into instantaneous engagement with cartridge receiving structure. Thus, claim 25 too should be allowed since Tayebi does not disclose a filter cartridge including a filter element as recited. Claims 26-28, which depend from claim 25, should be allowed for the same reasons as claim 25.

In summary, the language of all of these rejected claims requires that the filter be a part of filter cartridge assembly that is snapped into position on a supporting means. Such is not the case with filter 17 and retainer element 19, 20 of Tayebi, and this amendment should be entered and the rejection of claims 1-13, and 15-28 should be withdrawn. Passage to issue earnestly solicited.

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Respectfully submitted,



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